

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

PATTY BEALL, MATTHEW MAXWELL,	§	
DAVID GRAVLEY, TALINA MCELHANY,	§	
KELLY HAMPTON, KEVIN TULLOS,	§	
CASEY BROWN, JASON BONNER,	§	
ANTHONY DODD, ILENE MEYERS,	§	
TOM O’HAVER, JOY BIBLES, DON	§	
LOCCHI AND MELISSA PASTOR ,	§	
Individually and on behalf of all others	§	
similarly situated;	§	
	§	
Plaintiffs,	§	2:08-cv-422 TJW
	§	
TYLER TECHNOLOGIES, INC. AND	§	
EDP ENTERPRISES, INC.	§	
Defendants.	§	

**UNOPPOSED MOTION FOR LEAVE TO FILE
PLAINTIFFS' FIRST AMENDED COLLECTIVE ACTION COMPLAINT**

TO THE HONORABLE COURT:

Plaintiffs’ PATTY BEALL, MATTHEW MAXWELL, DAVID GRAVLEY, TALINA MCELHANY, KELLY HAMPTON, KEVIN TULLOS, CASEY BROWN, JASON BONNER, ANTHONY DODD, ILENE MEYERS, TOM O’HAVER, JOY BIBLES, DON LOCCHI and MELISSA PASTOR, Individually and on behalf of all others similarly situated, request leave of court to file their First Amended Collective Action Complaint.

A. Introduction

1. Plaintiffs' PATTY BEALL, MATTHEW MAXWELL, DAVID GRAVLEY, TALINA MCELHANY, KELLY HAMPTON, KEVIN TULLOS, CASEY BROWN, JASON BONNER, ANTHONY DODD, ILENE MEYERS, TOM O'HAVER, JOY BIBLES, DON

LOCCHI and MELISSA PASTOR, Individually and on behalf of all others similarly situated; Defendants are TYLER TECHNOLOGIES, INC., and EDP ENTERPRISES, INC.

2. Plaintiffs sued Defendants to recover overtime wages pursuant to the Fair Labor Standards Act (“FLSA”).
3. Defendants filed an answer on November 25, 2008.
4. Plaintiff’s seek to amend their Collective Action Complaint in order for additional Plaintiffs and job titles to be added to the collective action.
5. Defendants will not be prejudiced by allowing Plaintiffs to amend their Collective Action Complaint.
6. Defendants have no objection to Plaintiff’s Motion for Leave to file Plaintiffs’ First Amended Collective Action Complaint.

B. Argument

7. Leave to amend should be freely given when justice so requires. Fed. R. Civ. P. 15(a);
8. The court should allow the filing of Plaintiffs’ First Amended Collective Action Complaint because it is appropriate and necessary.
9. Defendants are unopposed to this Motion and will not be prejudiced by allowing Plaintiffs’ to amend their Complaint.
10. Plaintiffs’ are filing their First Amended Collective Action Complaint with this motion.

C. Conclusion

11. For these reasons, Plaintiffs asks the Court to grant leave to file Plaintiffs’ First Amended Collective Action Complaint.

Respectfully submitted,

SLOAN, BAGLEY & PERRY LAW FIRM

/s/ Laureen F. Bagley /

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this the 6th day April, 2009, a true and correct copy of this document was sent via electronic mail to the following:

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/s/ Laureen F. Bagley /

Laureen F. Bagley

CERTIFICATE OF CONFERENCE

I certify that on April 6, 2009, I conferred with Defense Counsel, Deron R. Dacus. Counsel has complied with the meet and confer requirement in Local Rule CV-7(h) and Defense counsel is Unopposed to Plaintiff's Motion for Leave to File Plaintiffs' First Amended Collective Action Complaint. The personal conference required by this rule was conducted on April 6, 2009 via teleconference.

By: /s/ Laureen F. Bagley
LAUREEN F. BAGLEY